

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 14 2020

MITCHELL R. ELFERS
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

18-CR-2853 MV

RAMIRO RIVERA VARELA,

Defendant.

ORDER

THIS MATTER is before the Court on Mr. Rivera Varela's Motion for Review of Detention Order and Motion for Immediate Release ("Motion") filed March 25, 2020. (Doc. 178.) The Government filed its Response in opposition to the Motion on April 2, 2020 (Doc. 178). The Government also filed a motion to detain Mr. Rivera Varela on that date. (Doc. 185.) The Court held a hearing on the motions on April 14, 2020 and heard argument from counsel for both parties. The Court has also reviewed and considered the docket in this case, the procedural posture of the case generally, and of Mr. Rivera Varela's co-defendants, some of whom have pled guilty and been sentenced, and some of whom are awaiting trial. Finally, the Court has reviewed and considered the Addendum to Bail Report filed on April 10, 2020. Being sufficiently advised in the premises, and for the reasons stated in Court, the Court grants Mr. Rivera Varela's Motion in part and denies the Government's motion to detain. Specifically, the Court finds under the totality of circumstances presented, conditions of release now exist and may be fashioned to reasonably assure the safety of the community and Mr. Rivera Varela's appearance as follows:

1. Mr. Ramiro Varela may be released to the third-party custody of his son, Nivardo Rivera, after Nivardo Rivera secures an apartment or other suitable non-mobile residence approved by Pretrial Services.

2. Mr. Ramiro Varela will be subject to location monitoring, under whatever technology Pretrial Services deems most appropriate, under the home incarceration component. Mr. Ramiro Varela will only be allowed to leave his son's approved residence for purposes of medical and counseling appointments, court appearance, and appointments with his counsel, all of which must be scheduled and verified in advance by Pretrial Services. Mr. Ramiro Varela's wife will be permitted to visit/reside with him at his son's residence. No other visitors will be permitted unless vetted and approved by Pretrial Services.
3. Mr. Ramiro Varela may not use alcohol or any controlled substances and will be subject to substance abuse testing as directed by Pretrial Services.
4. Mr. Ramiro Varela will be required to participate in a mental health and a substance abuse assessment, and any treatment and counseling deemed necessary and appropriate based on those assessments, and as directed by Pretrial Services.
5. Mr. Ramiro Varela is prohibited from having any contact with co-defendants or any victims or witnesses in this case.
6. Mr. Ramiro Varela will be subject to all other standard conditions of pretrial supervision.

Finally, the Court will enter an order releasing Mr. Ramiro Varela under the above stated conditions upon notification by pretrial services that Mr. Nivardo Rivera has secured an acceptable, non-mobile residence.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE